

North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf; for years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

#### FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, July 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.
McFarlane.	

#### Absent—Excused.

Martin.	Patton.
Moore.	Thomason.
Parr.	Woodul.

Prayer by the Rev. Mr. Forbes.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Greer:

S. B. No. 8, A bill to be entitled "An Act making an appropriation for the erection of a monument in memory of John W. McFarlane, deceased; providing for the erection of said monument; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Woodward:

S. B. No. 9, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas of 1925 relating to the powers and duties of the State Tax Board in respect to calculating the ad valorem rate of taxes for State purposes each year, prescribing the duties of such Board, the duties of Tax Assessors and providing methods by which the tax rate is fixed in respect to public free school purposes and providing that said Board shall fix a rate that will yield and produce for such fiscal years an amount not exceeding sixteen dollars per capita for all children within the scholastic age, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McFarlane:

S. B. No. 11, A bill to be entitled "An Act making appropriation for the establishment and maintenance of a cotton fibre laboratory under the supervision of A & M College, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 10, A bill to be entitled "An Act making appropriations out of the State Highway funds to pay claims of certain persons, firms and corporations for money erroneously paid to the State Highway Fund for license fees on seating capacity of Motor vehicles as provided for by Article 820 of the Penal Code of Texas and Chapter 175 of the Acts of the regular session of the 38th Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

**Senators Excused.**

On motion of Senator Cousins, Senator Woodul was excused for the day on account of important business.

On motion of Senator Woodward, Senator Williamson was excused for the day on account of important business.

**Message from the Governor.**

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office, July 9, 1929.  
To The Forty-first Legislature,  
Ladies and Gentlemen:

At this time there are appropriations to be paid out of the General Revenue Fund, for which warrants have not been drawn, amounting to the sum of \$6,727,705.64. The balance in the Treasury to the credit of the General Revenue Fund on July first was \$2,312,736.48. Therefore, the outstanding and unpaid appropriations at this time exceed the balance in the General Revenue Fund, as of July 1, 1929, by the sum of \$4,414,969.16. There will be some collections made during the months of July and August. During these months last year there was collected for the General Revenue Fund the sum of \$2,152,157.43. In calculating the revenue available for the next two fiscal years you must take into account the amount of present outstanding appropriations which will be paid after the end of the present fiscal year. The amount of these outstanding appropriations which will be paid after September first of necessity constitute a charge against the prospective income for the next two fiscal years. After taking into account the possible collections coming to the General Revenue Fund during July and August, it appears that the present outstanding appropriations exceed the revenue to the end of the present fiscal year by approximately \$2,200,000.00. Of course, all of these appropriations may not be used, but there is no accurate basis of estimating what will and what will not be used. To be safely within the revenues it is proper to contemplate that what cannot be paid before September

first will have to be paid after September first. It would seem that at least \$1,000,000.00 would have to be paid out of next years' revenue.

From September 1, 1927, to September 1, 1928, there was collected and credited to the General Revenue Fund the sum of \$14,009,752.83, from sources other than ad valorem taxes. From September 1, 1928, to July 1, 1929, there was collected and credited to the General Revenue Fund the sum of \$12,421,026.58, from the same sources.

It is reasonable to assume that for the next two years the collections from these sources will not exceed by more than a few thousand dollars the amount of money which was collected during the past two years from the same sources. On account of the overflow of the prison farms it is possible that the income from these sources will be less in 1929, than it was in 1928. In estimating the income for the General Revenue Fund for the next two fiscal years, it seems to me that \$14,000,000.00 annually is a liberal estimate of the income to the General Revenue Fund from sources other than the ad valorem taxes.

In 1928, the valuations of all property rendered for ad valorem taxes was the sum of \$3,961,426,097.00. I am advised that the average increase in valuations over a period of ten years has been \$88,000,000.00 annually. If this is taken as the basis of the annual increase for the next two years and added to the valuations for the year 1928, it should form a fair basis upon which to compute the returns to the General Revenue Fund from State ad valorem taxes. It is to be remembered that the Legislature has remitted taxes on valuations totalling approximately \$3,500,000.00. This must be deducted from the total valuations before computing the amount yielded to the General Revenue Fund from ad valorem taxes.

The Automatic Tax Law provides that twenty per cent of the valuations shall be first deducted to allow for the cost of collection and delinquencies.

I know of no fair or safe basis or formula for figuring the prospective income from ad valorem taxes except the one provided in the law. Men may speculate upon the prospective income, but there can be no

safe or conservative way to figure this income except in the manner fixed by the Automatic Tax Law.

If the figures above stated and the formula prescribed by the Automatic Tax Law are used, it appears that under the maximum rate of taxation allowed by the Constitution the prospective income to the General Revenue Fund for the next two years from all sources will not exceed \$49,000,000.00. From this sum it is proper to deduct the amount of outstanding appropriations which will be paid after September first. If \$1,000,000.00 is adopted as the amount of outstanding appropriations to be paid out of next years revenue, it seems apparent to me that there is available for appropriation by this session of the Legislature for the support of the government for the next two years not exceeding the sum of \$48,000,000.00. According to my figures that is the maximum sum available under the highest tax rate allowed by law.

Personally, I do not think that the appropriations ought to be placed so high that they would force the levy of the highest rate of taxation allowed by the Constitution. I do not believe the adequate support of the State Government requires it at this time. I believe the State departments and institutions can be adequately supported for the next two years by the appropriation of not exceeding \$45,000,000.00. Although it is within your power to make appropriations that will require a levy of the maximum rate of taxation allowed by the Constitution, I hope you will not consider that necessary.

According to my figures, two years ago you appropriated approximately \$47,000,000.00 for the support of the government, its departments, and institutions from September 1, 1927 to September 1, 1929. Approximately \$4,000,000.00 of this sum was for buildings. If this last sum is deducted from the totals, the remainder, amounting to approximately \$43,000,000.00, represents the amount appropriated for the support of the departments and institutions from September 1, 1927 to September 1, 1929. There is no such demand for buildings this year as there was two years ago, and it is therefore my judgment that you can, if you will, keep the total of the appropriation bills you will pass at this

session within or below \$45,000,000.00.

You have the power to pass appropriation bills that will exceed the revenues to be yielded by the maximum tax rates, but it is fervently trusted that you will not exercise this power. I sincerely hope that you will provide for the necessary support of the activities of the government without creating a situation requiring the levy of the maximum tax rate, but if your appropriations are to reach that figure, then I indulge the further hope that you will not let them exceed the prospective revenue for the time within which they must be paid.

You can reduce items in passing the appropriation bills, but when once passed, I must either approve all of an item, or reject all of it. There is no such thing as reducing the amount of any separate item under the veto power—the whole item must stand or it must all be vetoed. For example, you may appropriate more or less as an item for traveling expenses, but I cannot reduce any item so appropriated. You have the opportunity in passing the bills to inquire into the exact needs and supply the necessary fund. You realize that it is utterly impossible by the use of the veto power to write an appropriation bill. It seems to be the purpose of some to ascertain the maximum amount of money that can be collected under the highest rates of taxation, and then proceed to appropriate that sum. It doesn't seem to me that the matter should be approached in that fashion. I think the effort should be to ascertain what amount of appropriations are reasonably necessary to adequately support the government. If that attitude is taken I feel certain that you will not find it necessary to appropriate sums of money requiring the levy of the maximum rate of taxation. If you take the other attitude, of course, the maximum rate of taxation will be the result. It will be possible by the use of the veto power to reduce the total some, but it is evident that this power cannot be used to strike enough from the bills to have much effect upon the tax rate.

In the end the totals of these appropriation bills and the result upon the revenues and the tax rate must be your responsibility, for you have

the power to control the expenditures from the public funds.

I have tried to give you the condition of the State revenue as I understand it, and I hope that we may be able to cooperate in holding the public expenditures within proper bounds and see that no unnecessary appropriations are made from the public funds. Retrenchment in the public expense is possible. The appropriation bill of two years ago carried the first building program which the State had had in several years. There is no necessary demand for any such extensive program at this time.

It is my purpose to limit the matters submitted at this session of the Legislature to the general subject of appropriations. That subject was submitted by the Proclamation convening the session.

I find, however, that one of the statutes carried into the recodification of 1925 contains certain wording which may seriously affect a threatened suit involving the payment of State Aid to the public school system. It seems that in the recodification of the statutes in 1925, Article 7043, carried forward the old provision that a rate should be fixed which would yield and produce \$4.00 per capita for all the children within the scholastic age as shown by the last school census. This wording may not be a limitation, but in view of its presence in the statute, I regard it as proper to submit the subject of amending this Article to this session of the Legislature, that such language may be eliminated from the statute.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.

#### Simple Resolution No. 2.

Senator Love sent up the following resolution:

S. R. No. 2, Congratulating Congressman Box on a speech in Congress relative to John J. Raskob.

The resolution was read.

Senator Stevenson raised the point of order that this resolution was out of order because the Governor's call restricted this special session of the Legislature to the consideration of appropriations.

The Chair overruled the point of order on the ground that a simple resolution need not be restricted to

the limits of the Governor's call.

Senator Holbrook moved to refer the resolution to the Committee on Stock and Stock Raising. The motion was lost by the following vote:

Yeas—8.

Cousins.	Miller.
Cunningham.	Russek.
Gainer.	Stevenson.
Holbrook.	Wirtz.

Nays—11.

Berkeley.	Pollard.
Hornsby.	Small.
Hyer.	Westbrook.
Love.	Witt.
McFarlane.	Woodward.
Parrish.	

Present—Not Voting

Beck.	Neal.
DeBerry.	

Absent.

Greer.	Hardin.
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Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator DeBerry moved to refer the resolution to the Committee on State Affairs. The motion prevailed by the following vote:

Yeas—16.

Beck.	Hornsby.
Berkeley.	Miller.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Wirtz.
Holbrook.	Witt.

Nays—7.

Greer.	Parrish.
Hyer.	Westbrook.
Love.	Woodward.
McFarlane.	

Absent.

Neal.

Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator Small inquired if the resolution, having been referred to a Committee, would be printed in the Journal.

The Chair held that a resolution so referred was not to be printed in the Journal until it was reported from the Committee.

#### Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 1, A bill to be entitled "An Act making appropriation of the sum of \$100,000.00 or so much thereof as may be necessary, out of the general revenue, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the 3rd Called Session of the 41st Legislature."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### Simple Resolution No. 3.

Senator McFarlane sent up the following resolution:

Whereas, William Floyd worked last session and was not notified that he would not be reemployed this session, and

Whereas, He has performed one week's work this session, therefore, be it

Resolved, That he be allowed one week's pay the same as all other employees that were not reemployed.

McFARLANE,  
HYER,  
HARDIN,

The resolution was read and adopted.

#### Senate Bill No. 2.

The Chair laid before the Senate on second reading the following bill:  
By Senator Pollard:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Gov-

ernment for the two year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.

Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

The bill was read third time and finally passed.

#### Senate Bill No. 3.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Pollard:

S. B. No. 3, A bill to be entitled "An Act appropriating Two Million Seven Hundred Fifty Thousand Dollars per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural schools; etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report carrying an amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its third reading and final passage, by the following vote:

## Yeas—24.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.

## Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

The bill was read third time and finally passed by the following vote:

## Yeas—24.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.

## Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

## Bill Signed.

The Chair, Lieutenant Governor, Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 1.

## Reason for Vote.

I voted for Senate Bill No. 3 carrying a total appropriation of \$5,000,000.00 for rural aid for the following reason.

I zealously supported the original bill carrying \$6,000,000.00 in the last session. I also supported the free conference report which was a compromise at the figures of \$5,500,000.00.

Personally I much prefer \$5,500,000.00 or \$6,000,000.00 as contrasted to \$5,000,000.00.

However, realizing that we are now in an extra session purely for the purpose of trying to bring the total appropriations within the available revenue and also realizing that a four cent gasoline tax will increase the percapita from \$15.00 to \$17.00 per capita, the highest in history. Knowing further that no decrease can be had in the judiciary bill and that practically none can or will be taken out of the eleemosynary bill.

Therefore prompted by an intense desire to get the required cut in these appropriation bills I reluctantly vote for this bill.

DeBERRY.

## Recess.

On motion of Senator Russek, the Senate, at 12:02 o'clock p. m., recessed until 2:00 o'clock p. m.

## After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

## Senate Bill No. 5.

The Chair laid before the Senate on second reading the following bill:

By Senator Pollard:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1929, and ending August 31, 1931; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5, was put on its third reading and final passage, by the following vote:

## Yeas—23.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.

McFarlane.	Small.
Miller.	Stevenson.
Neal.	Westbrook.
Parrish.	Wirtz.
Pollard.	Witt.
Russek.	Woodward.

Absent.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

The bill was read third time and finally passed.

### Senate Bill No. 6.

The Chair laid before the Senate on second reading the following bill:

By Senator Pollard:

S. B. No. 6, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time.

Senator Hornsby sent up the following amendment:

Amend S. B. No. 6 page 208 of the original bill item 4 by striking out \$600.00 in both columns and insert in lieu thereof \$1000.00, in both columns.

**HORNBSY.**

The amendment was read.

Senator Stevenson moved to table the amendment. The motion prevailed by the following vote:

**Yeas—14.**

Beck.	Hyer.
Cousins.	Miller.
Cunningham.	Pollard.
DeBerry.	Stevenson.
Gainer.	Wirtz.
Greer.	Witt.
Hardin.	Woodward.

**Nays—8.**

Berkeley.	McFarlane.
Holbrook.	Parrish.
Hornsby.	Small.
Love.	Westbrook.

**Absent.**

Neal.	Russek.
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**Absent—Excused.**

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator Holbrook sent up the following amendment:

Amend S. B. No. 6, in page 726 of the Senate Journal after below the figures 75.00 in each column under substation 3 Angleton, by inserting the following:

For use of the agricultural experiment station and at other points and for cooperative work in the Gulf Coastal region in connection with truck and fruit insect investigation and research having relation to the truck and fruit industries in the Gulf Coastal region, \$5,500.00 each year for the next biennium.

**HOLBROOK.**

The amendment was read and adopted by the following vote:

**Yeas—17.**

Beck.	Parrish.
Berkeley.	Pollard.
Cousins.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.
Miller.	

**Nays—4.**

Cunningham.	Gainer.
DeBerry.	Greer.

**Present—Not Voting.**

Neal.

**Absent.**

McFarlane.	Russek.
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**Absent—Excused.**

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator McFarlane sent up the following amendment:

Amend S. B. No. 6, by adding to S. B. No. 6, page 724, the following after the first totals on said pages:

For the establishment, equipment, and operation of a cotton fiber research laboratory under the Agricul-

tural Experiment Station of the Agricultural and Mechanical College of Texas and the employment of the necessary scientifically trained workers to study the development, structure, composition, and utility of cotton fibers as influenced by hereditary and environmental factors causing variations affecting the quality and utility of cotton, our most valuable fiber crop,

\$25,000.00 \$25,000.00

McFARLANE,  
WITT,  
LOVE.

The amendment was read and lost by the following vote:

Yeas—9.

Beck.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Love.	Witt.
McFarlane.	

Nays—13.

Berkeley.	Miller.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Westbrook.
Greer.	Wirtz.
Holbrook.	Woodward.
Hyer.	

Present—Not Voting.

Neal.

Absent—Excused.

Cousins.	Patton.
Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 6 under building and Equipment, Texas Technological College, by striking out the following:

"Library (Class 2) \$75,000.00 each year."

DeBERRY.

The amendment was read and lost by the following vote:

Yeas—5.

Cunningham.	Holbrook.
DeBerry.	Stevenson.
Greer.	

Nays—17.

Berkeley.	Hardin.
Gainer	Hornsby.

Hyer.	Russek.
Love.	Small.
McFarlane.	Westbrook.
Miller.	Wirtz.
Neal.	Witt.
Parrish.	Woodward.
Pollard.	

Absent.

Beck.	Cousins.
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Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator DeBerry sent up the following amendment:

Amend S. B. No. 6, Agricultural and Mechanical College, under Permanent Equipment, by striking out "Chemistry Building and Equipment (Class 2) \$200,000.00."

DeBERRY.

The amendment was read and lost by the following vote:

Yeas—5.

Cunningham.	Holbrook.
DeBerry.	McFarlane.
Greer.	

Nays—18.

Berkeley.	Parrish.
Cousins.	Pollard.
Gainer.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Hyer.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Neal.	Woodward.

Absent.

Beck.	Absent—Excused.
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Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator DeBerry sent up the following amendment:

Amend S. B. No. 6 by striking out of the first line on page 84, under John Tarleton College, under the head of permanent buildings the following:

"Auditorium and Classroom Building \$125,000.00."

DeBERRY.



The amendment was read and lost by the following vote:

Yeas—5.

Cunningham.	Holbrook.
DeBerry.	McFarlane.
Greer.	

Nays—17.

Berkeley.	Pollard.
Cousins.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodward.
Parrish.	

Present—Not Voting.

Neal.

Absent.

Beck.

Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Senator McFarlane sent up the following amendment:

Amend S. B. No. 6 by striking out of said bill all of the primary buildings as follows:

Page 762 each column	\$ 87,500.00
Page 786 each column	75,000.00
Page 789 each column	75,000.00
Texas Tech each column	75,000.00
A. & M. College one column	200,000.00
John Tarleton one column	125,000.00
Total	\$950,000.00

McFARLANE,  
GREER,  
CUNNINGHAM,

The amendment was read.

Senator Small moved the previous question on the amendment and the engrossment of the bill. The motion prevailed by the following vote:

Yeas—17.

Beck.	Hardin.
Berkeley.	Hornsby.
Cousins.	Hyer.
Gainer.	Miller.

Parrish.	Westbrook.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodward.
Stevenson.	

Nays—7.

Cunningham.	Love.
DeBerry.	McFarlane.
Greer.	Neal.
Holbrook.	

Absent—Excused.

Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

The amendment was lost by the following vote:

Yeas—5.

Cousins.	Holbrook.
Cunningham.	McFarlane.
Greer.	

Nays—17.

Berkeley.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Miller.	Woodward.
Neal.	

Absent.

Beck.	Witt.
Stevenson.	

Absent—Excused.

Martin.	Patton.
Moore.	Thomason.
Parr.	Woodul.

The bill as amended passed to engrossment by the following vote:

Yeas—16.

Berkeley.	Pollard.
Gainer.	Russek.
Hardin.	Small.
Hyer.	Westbrook.
Love.	Williamson.
Miller.	Wirtz.
Neal.	Witt.
Parrish.	Woodward.

Nays—7.

Cousins.	DeBerry.
Cunningham.	Greer.

Holbrook.            McFarlane.  
Hornsby.            Absent.

Beck.                Stevenson.  
Absent—Excused.

Martin.             Patton.  
Moore.             Thomason.  
Parr.               Woodul.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 6 was put on its third reading and final passage, by the following vote:

Yeas—20.

Berkeley.	Neal.
Cousins.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Nays—3.

Cunningham.        Hornsby.  
Greer.               Absent.

Beck.                Stevenson.  
Absent—Excused.

Martin.             Patton.  
Moore.             Thomason.  
Parr.               Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—14.

Berkeley.	Russek.
Gainer.	Small.
Hardin.	Westbrook.
Love.	Williamson.
Miller.	Wirtz.
Neal.	Witt.
Pollard.	Woodward.

Nays—7.

Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	McFarlane.
Greer.	

Absent.

Beck.	Parrish.
Hyer.	Stevenson.

Absent—Excused.

Martin.	Patton.
Moore.	Thomason.
Parr.	Woodul.

Senate Bill No. 9.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodward:

S. B. No. 9, A bill to be entitled "An Act amending Art. 7043 of the R. C. S. of the State of Texas of 1925 relating to the powers and duties of the State Tax Board in respect to calculating the ad valorem rate of taxes for State purposes each year, etc., and declaring an emergency."

Adjournment.

On motion of Senator Wirtz, the Senate, at 4:25 o'clock p. m., adjourned until 10:00 o'clock tomorrow morning.

#### APPENDIX.

Petitions and Memorials.

The Speaker's Rooms  
House of Representatives U. S.  
Washington, D. C.

July 2, 1929.

The Secretary of the Senate,  
Legislature of Texas,  
Austin, Texas.

My dear Mr. Secretary:

I deeply appreciate the friendly message and cordial endorsement by the Legislature of Texas of the invitation extended to Mrs. Longworth and me a few days ago by the Knife and Fork Club, asking us to come to Texas for a visit. My friend, Representative Garner, has also talked to me about this and urged me to come to Texas.

I wish Mrs. Longworth and I could do so, and I hope that some time not too far distant it may be possible. For this year, however, there is no possibility that we can come. I have made it a rule for a number of years not to leave Washington during a session of the House of Representatives, and the House will be in session during the greater part of the time between now and next summer. We are leaving Washington for our home in Cincinnati in a few days, and must remain there for some time, and our vacation

plans bring us to the Eastern coast later on.

Will you express the thanks of Mrs. Longworth and myself to the Legislature for their friendly action, and our regret that we are unable to accept the invitation.

Very sincerely yours,  
NICHOLAS LONGWORTH.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 3 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find the same correctly enrolled, and have this day at 11:37 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, July 8, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 4, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two years period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, July 8, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 5, A bill to be entitled "An Act appropriating Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00) per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance by all rural schools which meet the requirements of this Act a term of a certain length; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, Regular Session as amended by the First Called Session of the Forty-first Legislature; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the man-

ner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provision of the Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, and that the sum of \$2,750,000.00 wherever it occurs be stricken out and the sum of \$2,500,000.00 be inserted therein.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 9, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas of 1925 relating to the powers and duties of the State Tax Board in respect to calculating the ad valorem rate of taxes for State purposes each year, prescribing the duties of such Board, the duties of Tax Assessors and providing methods by which the tax rate is fixed in respect to public free school purposes and providing that said Board shall fix a rate that will yield and produce for such fiscal years an amount not exceeding sixteen dollars per capita for all children within the scholastic age, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, July 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 10, A bill to be entitled "An Act making appropriations out of the State Highway funds to pay claims of certain persons, firms and corporations for money erroneously paid to the State Highway Fund for license fees on seating capacity of

motor vehicles as provided by Article 820 of the Penal Code of Texas and Chapter 175 of the Acts of the Regular Session of the 38th Legislature, authorizing the issuance of warrants for the payment of said claims upon the taking effect of this Act, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

#### FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, July 10, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Martin.	Patton.
Moore.	Wirtz.
Parr.	

Prayer by the Rev. Mr. Harper, of the House.

Pending the read of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Williamson:

S. B. No. 12, A bill to be entitled